IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 18703 of 2007(B)

PETITIONER:

AJI K. DIVAKARAN, AGED 34 YEARS,
KADAYATH HOUSE, PINDIMANA P.O., KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVT. SECRETARIAT,
TRIVANDRUM.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
TRIVANDRUM.

3. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOTHAMANGALAM.

4. PINDIMANA SERVICE CO-OPERATIVE
BANK LTD.NO.E-25, CHELAD P.O., KOTHAMANGALAM,
REPRESENTED BY ITS SECRETARY.

5. ADMINISTRATIVE COMMITTEE, REP. BY
ITS CHAIRMAN, PINDIMANA SERVICE CO-OPERATIVE
BANK LTD.NO.E-25, CHELAD P.O., KOTHAMANGALAM.

BY ADV. SRI.P.N.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 18703/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE REPRESENTATION DATED 1/6/2007 SUBMITTED BY THE PETITIONER AND FEW OTHER MEMBERS OF THE BANK TO THE 3RD RESPONDENT.

RESPONDENTS' EXTS:

EXT. R5(a) : TRUE COPY OF THE ORDER DATED 29.5.07 ISSUED BY THE 1ST RESPONDENT.

EXT. R5(b) : TRUE COPY OF THE ORDER DATED 7.3.07 OF REGISTRAR.

EXT. R5(c) : TRUE COPY OF THE LETTER DATED 13.3.07 OF THE JOINT REGISTRAR.

EXT. R5(d) : TRUE COPY OF THE AGREEMENT DATED 25.5.07.

EXT. R5(e) : TRUE COPY OF THE DECISION OF THE MANAGING COMMITTEE ON 15.6.07 TO START THE BRANCH W.E.F. 21.6.07.

K.M.JOSEPH, J.

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WP.(C) No.18703 of 2007

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Dated this the 4th day of July, 2007

JUDGMENT

Petitioner has approached this court seeking the following relief:

> (i) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the respondents to initiate immediate steps to conduct the election of the 4th respondent bank after completing all the procedural formalities for the election including declaration, within a stipulated time fixed by this Honourable Court and also direct the 4th and 5th respondents not to take any policy decision including any decision to start any branch for the fourth respondent bank till the administration of the bank is entrusted to the elected body.

2. Heard counsel for the petitioner and the Government Pleader. Counter affidavit is filed on behalf of the fifth respondent producing Exts.R5(a) to R5(e). There is reference to an enquiry initiated under Section 66 of the Co-operative Societies Act. It is stated that before finalizing the enquiry if the petitioner or his henchmen is put in office, they will manipulate the records. Learned counsel for the Bank

submits that a decision has to be taken to hold the election as mandated in law. The term of the Administrative Committee will end on 10.10.2007. Counsel for the Committee submits that a decision to conduct election will be taken before 15.8.2007.

In such circumstances the writ petition is disposed of recording the said submission and directing the fifth respondent to take a decision to conduct the election in accordance with law before 15.8.2007, so that an elected committee can assume office before the expiry of the time. There will be a direction to the fifth respondent to forward the resolution as mandated under Rule 35A to the Registrar, who will in turn forward it to the Commission for the purpose of holding the election in accordance with law and in accordance with the resolution. Interim order dated 22.6.2007 will continue.

sb. (K.M. JOSEPH, JUDGE)